

## **§ 1240.108**

## **14 CFR Ch. V (1–1–01 Edition)**

### **§ 1240.108 Hearing procedure.**

(a) Oral hearing held by the Board will be in accordance with the following procedures:

(1) If the applicant requests a hearing within the time set in accordance with § 1240.107 (d) or (e), the Board will set a place and date for such hearing and notify the applicant.

(2) The applicant may be represented by an attorney or any other appropriately designated person.

(3) Hearings will be open to the public unless the applicant requests that a closed hearing be held.

(4) Hearings may be held before the full membership of the Board or before any panel of Board members designated by the Chairperson.

(5) Hearings will be conducted in an informal manner with the objective of providing the applicant with a full opportunity to present evidence and arguments in support of the application. Evidence may be presented through means of such witnesses, exhibits, and visual aids as are arranged for by the applicant. While proceedings will be ex parte, members of the Board and its counsel may address questions to witnesses called by the applicant, and the Board may, at its option, utilize the assistance and testimony of technical advisors or other experts.

(6) Subject to the provisions of § 1240.103(c)(2), the applicant will submit a copy of any exhibit or visual aid utilized unless otherwise directed by the Board. The Board may, at its discretion, arrange for a written transcript of the proceedings and a copy of such transcript will be made available by the recorder for purchase by the applicant.

(7) No funds are available to defray traveling expenses or any other cost incurred by the applicant.

(b) [Reserved]

### **§ 1240.109 Recommendation to the Administrator.**

Upon a determination by the Board that a contribution merits an award, the Board will recommend to the Administrator or a designee the terms and conditions of the proposed award, including a specific amount and distribution thereof for any multiple contributors. The recommendation of the

Board to the Administrator or designee will reflect the views of the majority of the Board members. Dissenting views may be transmitted with the majority opinion.

### **§ 1240.110 Release.**

Under subsection 306(b)(1) of the National Aeronautics and Space Act of 1958, as amended, no award will be made to an applicant unless the applicant submits a duly executed release, in a form specified by the Administrator, of all claims the applicant may have to receive any compensation (other than the award recommended) from the United States Government for use of the contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any existing or future treaty or agreement with the United States, within the United States, or at any other place.

### **§ 1240.111 Presentation of awards.**

(a) Monetary awards and accompanying written acknowledgments to employees of NASA will be presented in a formal ceremony by the appropriate Official-in-Charge at the Headquarters Office, or by the Director of the cognizant field installation or designee.

(b) Monetary awards and accompanying written acknowledgments to employees of NASA contractors will be forwarded to contractor officials for suitable presentation.

### **§ 1240.112 Financial accounting.**

(a) An Award Check Receipt (NHQ DIV Form 622), which accompanies the transmittal of each group of award checks from the Board will be dated and signed by the responsible Award Liaison Officer/Technology Utilization Officer and returned to the Board without delay.

(b) Not later than December 10 of each year, the responsible field installation official will submit a report certifying that all award checks, which were issued and received by the field installation during the year, have been delivered to the proper employees of NASA and employees of NASA contractors. In the case of those checks that

## National Aeronautics and Space Admin.

## § 1245.101

have not been delivered by December 10, the certification report will be accompanied by all undelivered checks and a brief explanation of the reasons for the failure to make delivery. This annual certification report is essential in order to assure that income and withholding tax totals for all awardees are correct and complete at the close of each calendar year.

### § 1240.113 Delegation of authority.

(a) The Associate Administrator for Management and the Chairperson, Inventions and Contributions Board, are delegated authority to execute grants of awards for significant scientific or technical contributions not exceeding \$1000 per contributor, when in accordance with the recommendation of the Board and in conformity with applicable law and regulations.

(b) The Chairperson, Inventions and Contributions Board, is delegated authority to execute grants of initial awards upon the decision to file for a U.S. patent application, and upon approval to publish a selected NASA Tech Brief.

(c) No redelegation is authorized except by virtue of succession.

(d) The Chairperson, Inventions and Contributions Board, will ensure that feedback is provided so that the Administrator, through official channels, is currently informed of significant actions, problems, or other matters of substance related to the exercise of the authority delegated in this section.

## PART 1241 [RESERVED]

## PART 1245—PATENTS AND OTHER INTELLECTUAL PROPERTY RIGHTS

### Subpart 1—Patent Waiver Regulations

Sec.

- 1245.100 Scope.
- 1245.101 Applicability.
- 1245.102 Definitions and terms.
- 1245.103 Policy.
- 1245.104 Advance waivers.
- 1245.105 Waiver after reporting inventions.
- 1245.106 Waiver of foreign rights.
- 1245.107 Reservations.
- 1245.108 License to contractor.
- 1245.109 Assignment of title to NASA.
- 1245.110 Content of petitions.
- 1245.111 Submission of petitions.

- 1245.112 Notice of proposed Board action and reconsideration.
- 1245.113 Hearing procedure.
- 1245.114 Findings and recommendations of the Board.
- 1245.115 Action by the Administrator.
- 1245.116 Miscellaneous provisions.
- 1245.117 March-in and waiver revocation procedures.
- 1245.118 Record of decisions.

### Subpart 2 [Reserved]

### Subpart 3—NASA Foreign Patent Program

- 1245.300 Scope of subpart.
- 1245.301 Inventions under NASA contracts.
- 1245.302 Inventions by NASA employees.
- 1245.303 Criteria.
- 1245.304 Procedures.

### Subpart 4—Foreign Patent Licensing Regulations

- 1245.400 Scope of subpart.
- 1245.401 Policy.
- 1245.402 Types of licenses and terms and conditions.
- 1245.403 Government license.
- 1245.404 Enforcement of patent rights.
- 1245.405 Procedures.

### Subpart 5—Authority and Delegations to Take Certain Actions Relating to Patents and Other Intellectual Property Rights

- 1245.500 Scope.
- 1245.501 General Counsel.
- 1245.502 Associate General Counsel for Intellectual Property.
- 1245.503 Patent Counsel of Field Installations.
- 1245.504 Further redelegation.

### Subpart 1—Patent Waiver Regulations

AUTHORITY: 42 U.S.C. 2457, 35 U.S.C. 200 *et seq.*

SOURCE: 52 FR 43748, Nov. 16, 1987, unless otherwise noted.

#### § 1245.100 Scope.

This subpart prescribes regulations for the waiver of rights of the Government of the United States to inventions made under NASA contract in conformity with section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457).

#### § 1245.101 Applicability.

The provisions of the subpart apply to all inventions made or which may be